

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 2665 of 2007 (O&M)
Date of Decision: 02.3.2015.**

S.P.Singh

.....Petitioner

Versus

Vanti Devi and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashish Kapoor, Advocate
for the petitioner.

Mr. Arihant Jain, Advocate
for respondent No. 1.

None for respondents No. 2 to 4.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 20.3.2007 (Annexure P-2).

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Vanti Devi-respondent No. 1 had filed suit for possession by way of partition with permanent injunction as a consequential relief on 22.8.2001 against Usha Mehndiratta-respondent No. 2.

Jai Parkash Mehndiratta was allotted the property in question being member of Maruti Udyog Employees Society, Maruti Vihar, Chakakrur. Initially, respondent No. 1 was nominated by the allottee as his successor whereas later, respondent No. 2 was

nominated as his successor by the allottee after his marriage. Jai Parkash Mehndiratta died on 15.6.2000. Usha Mehndiratta wife of Jai Parkash Mehndiratta requested the society to transfer her membership in favour of Sarvinder Singh Goomer on 22.4.2002. Mr. Goomer then made a request to the society on 5.7.2002 to transfer his membership in the name of present petitioner S.P.Singh who had paid a sum of ₹ 4.5 lacs to Mr. Goomer and the relevant documents were executed in his favour by Mr. Goomer. Petitioner also got the possession of the property in question. Suit filed by Vanti Devi declaring her owner of the suit property, was decreed vide order dated 31.5.2004. Vanti Devi is the mother of the allottee whereas Usha Mehndiratta is the widow of the allottee. As per the law of succession, both Vanti Devi as well as Usha Mehndiratta were liable to get half share in the property in question left by Jai Parkash Mehndiratta. In execution proceedings filed by Vanti Devi, petitioner filed an objection petition which was disposed of vide the impugned order dated 20.3.2007. The Executing Court rightly held that petitioner could have derived title qua half share of the property in question as his vendor Mr. Goomer could not have better title to the property in question as his vendee Usha Devi. Usha Devi had half share in the property in question and, thus, could only sell her half share.

In these circumstances, the learned Executing Court rightly held that Vanti Devi was entitled to half share in the property in question being the mother of allottee Jai Parkash Mehndiratta. Hence, the learned Executing Court rightly held that the judgment debtor should pay half market price to the decree holder, or should hand over the vacant possession of half share of

the property in question. Since the present petitioner had stepped into the shoes of Usha Mehndiratta, it is evident that the directions issued by the Executing Court were liable to be complied by him. The order passed by the Executing Court is a just and legal order and calls for no interference.

Dismissed.

**(SABINA)
JUDGE**

March 02, 2015
Gurpreet